

City of Franklin Common Council

ORDINANCE NUMBER 2024-01

**AN ORDINANCE ESTABLISHING
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREAS WITHIN THE CITY OF FRANKLIN**

WHEREAS, Indiana Code 7.1-3-20-16(d), subject to Indiana Code 7.1-3-20-16.1 and except as provided in Indiana Code 7.1-3-20-16.3 (pertaining to breweries), authorizes the Indiana Alcohol and Tobacco Commission to issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (a) on land; or
- (b) in a historic river vessel

within a municipal riverfront development project funded in part with state and city money ("Riverfront Permit").

WHEREAS, a Riverfront Permit issued under Indiana Code 7.1-3-20-16 may be issued without regard to the quota provisions of Indiana Code 7.1-3-22.

WHEREAS, Indiana Code 7.1-3-20-16.1 authorizes the legislative body of the city to designate by ordinance the boundaries of the municipal riverfront development project and requires the project boundaries to border on at least one (1) side of a river.

WHEREAS, numerous communities throughout Indiana have designated Municipal Riverfront Development Projects, resulting in the issuance of permits, economic growth, and development.

WHEREAS, though the term "river" is not defined in Indiana Code 7.1-3-20, Indiana Code 14-29-6-3 defines a "river" as "any flowing body of water and adjacent land or part of the body of water and adjacent land."

WHEREAS, bodies of water flow through or along the City of Franklin, hereafter referred to as "river(s)." These rivers are depicted on the maps attached hereto as **Exhibit A and Exhibit B**.

WHEREAS, State and City funds have been expended and may be expended in the future to encourage economic growth, development and create unique and pleasant dining experiences to benefit the City of Franklin and its citizens.

WHEREAS, pursuant to Indiana Code 7.1-3-20-16.1(b)(2), a proposed Riverfront Permit premises must not be located more than one thousand five hundred (1,500) feet or three (3) city blocks from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain or for any other reason that prevents the area from being developed, the distances are measured from the city blocks located nearest to the river that are capable of being developed.

WHEREAS, the municipal riverfront development project areas as shown by the maps attached hereto

as Exhibit A and Exhibit B and collectively known as the Franklin Riverfront Development Project are located within the territorial boundaries of the City of Franklin and are also located within an economic development area established under Indiana Code 36-7-14.

WHEREAS, Indiana Code 7.1-3-20-16.1(b)(4) requires the municipal riverfront development project to be funded in part with both state and city money which may be spent in the future or has been previously funded.

WHEREAS, as required by Indiana Code 7.1-3-20-16.1(b)(4), the Franklin Riverfront Development Project has been funded in part with both State and City funds, which is described in greater detail on Exhibit C, attached hereto and incorporated herein by this reference.

WHEREAS, in the future, the City may spend additional monies within the Franklin Riverfront Development Projects.

WHEREAS, in addition to the money described in Exhibit C, the Indiana Department of Transportation ("INDOT") and Federal Highway Administration have developed a project to improve U.S. 31 in the City beginning south of Jefferson Street and extending approximately four and one-half (4.5) miles north of Jefferson Street. The U.S. 31 improvements will be funded in part with state monies.

WHEREAS, the Franklin Common Council has determined that it is in the best interest of the City of Franklin to designate and establish boundaries of a municipal riverfront development project in order to encourage economic growth and development through private investment by new restaurant proprietors within the municipal riverfront development project.

WHEREAS, pursuant to Indiana Code 7.1-3-20-16(d), the legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be Riverfront Permit premises.

WHEREAS, Indiana Code 7.1-3-19-17 governs the violation and termination of formal written commitments made pursuant to that section.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1. The forgoing recitals are fully incorporated herein by this reference.
2. **Designation.** The areas identified as the Franklin Riverfront Districts on Exhibit A and Exhibit B are hereby designated as the boundaries of each Franklin Riverfront Development Project pursuant to Indiana Code 7.1-3-20-16 and 16.1. The area identified on Exhibit A shall be designated the Franklin Downtown Riverfront District and the area identified on Exhibit B shall be designated the Franklin US 31 Riverfront District and the districts shall collectively be identified as the Franklin Riverfront Development Project.

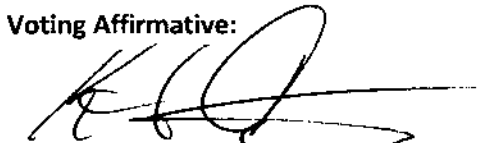
3. **Board of Public Works and Safety.** The Franklin Board of Public Works and Safety with the assistance of the Community Development Specialist, is directed to develop policies and procedures for all permit applications in the Franklin Riverfront Development Projects consistent with 7.1-3-20-16, 7.1-3-20-16.1, and regulations adopted pursuant to applicable statutes.
4. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
5. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
6. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
7. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-16.

INTRODUCED on the 5 day of February, 2024.

DULY PASSED on this 21 day of February, 2024, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 6 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

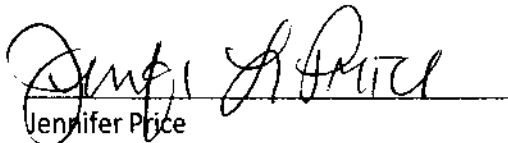
Voting Affirmative:



Kenneth Austin, President



Shawn Taylor, Vice President



Jennifer Price



Irene Nalley

Voting Opposed:

Kenneth Austin, President

Shawn Taylor, Vice President

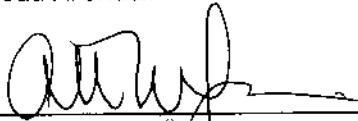
Jennifer Price

Irene Nalley

Absent

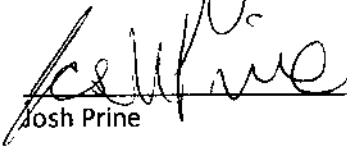
Todd A. Shuck

Todd A. Shuck



Anne McGuinness

Anne McGuinness



Josh Prine

Josh Prine

Attest:



Jan Jones, City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 21 day of February, 2024 at 6:10 o'clock p.m.


Jan Jones, City Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was **Approved** by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1) this 21 day of February, 2024 at 6:10 o'clock p.m.


Steve Barnett, Mayor

Attest:


Jan Jones, City Clerk-Treasurer